



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

516

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/240,062 01/29/99 GRAF

T 2565/45

QM32/1205

EXAMINER

CHOI, S

RICHARD L. MAYER
KENYON & KENYON
ONE BROADWAY
NEW YORK NY 10004

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 12/05/00

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/240,062

Applicant(s)

Graf et al.

Examiner

Stephen Choi

Group Art Unit
3724



- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire zero month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-18 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☐ Claim(s) _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claims 1-18 are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3724

DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Group A. Claims 1-3 are, drawn to a method for manufacturing fiber bundles comprising a step of moving at least one feed element and the at least one gripping elements at a same speed.
 - Group B. Claims 1-2 and 4 are, drawn to a method for manufacturing fiber bundles comprising a step of not moving at least one gripping element in a direction of the fiber bundles strand.
 - Group C. Claims 1-2 and 5 are, drawn to a method for manufacturing fiber bundles comprising a step of rotating the collection device.
 - Group D. Claims 1-2 and 6 are, drawn to a method for manufacturing fiber bundles comprising a step of retaining the partial bundles using a retaining apparatus.
 - Group E. Claims 1-2 and 7-9 are, drawn to a method for manufacturing fiber bundles requiring a plurality of gripping and feed elements.
 - Group F. Claims 10-11 are, drawn to an apparatus for manufacturing fiber bundles requiring at least one gripping element moving at a same speed as at least one feed element.

Art Unit: 3724

- Group G. Claims 10 and 12 are, drawn to an apparatus for manufacturing fiber bundles containing first, second, third and fourth gripping arms.
- Group H. Claims 10 and 13-14 are, drawn to an apparatus for manufacturing fiber bundles containing at least two rotatable plates having collection troughs.
- Group I. Claims 10 and 15 are, drawn to an apparatus for manufacturing fiber bundles containing a retaining apparatus.
- Group J. Claims 10 and 16-18 are, drawn to an apparatus for manufacturing fiber bundles containing a plurality of gripping and feed elements.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions groups A-E and F- J are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the process as claimed can be practiced by another materially different apparatus such as an apparatus for manufacturing fiber bundles not having at least one feeding element being movable in a direction of transportation of the fiber bundle strand and the at least one gripping element being partly movable at least in one other direction differing from the direction of transportation and a collection device set forth in claim 10.

Inventions of groups A-E are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be

Art Unit: 3724

separately usable. For example, the method of group A does not require a step of not moving at least one gripping element in a direction of the fiber bundles strand set forth in group B, and conversely, the method group B does not require a step of moving at least one feed element and the at least one gripping elements at a same speed set forth in group A, the method of group A does not require a step of rotating the collection device set forth in group C, and conversely, the method group C does not require a step of moving at least one feed element and the at least one gripping elements at a same speed set forth in group A.

Inventions of groups F-J are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. For example, the apparatus of group F does not require first, second, third and fourth gripping arms set forth in group G, and conversely, the apparatus of group G does not require at least one gripping element moving at a same speed as at least one feed element set forth in group F, the apparatus of group F does not require at least two rotatable plates having collection troughs set forth in group H, and conversely, the apparatus of group H does not require at least one gripping element moving at a same speed as at least one feed element set forth in group F. See MPEP § 806.05(d).

Claims 1-2 are method claims having features of none of the subcombinations, and will be examined if any of method groups A-E are elected. If claims 1-2 are ultimately determined to be allowable in its current form, rejoinder of claims dependent therefrom will be considered.

Claim 10 is an apparatus claim having features of none of the subcombinations, and will be

Art Unit: 3724

examined if any of apparatus groups F-J are elected. If claim 10 is ultimately determined to be allowable in its current form, rejoinder of claims dependent therefrom will be considered.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Choi whose telephone number is (703) 306-4523. The examiner can normally be reached on Monday to Friday from 9:00 to 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada, can be reached on (703) 308-2187. The fax phone number for this Group is (703) 305-3579.

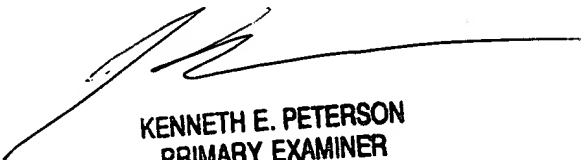
Application/Control Number: 09/240,062

Page 6

Art Unit: 3724

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

sc
November 30, 2000



KENNETH E. PETERSON
PRIMARY EXAMINER